

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION**

STUART REGES,

Plaintiff,

v.

ANA MARI CAUCE, et al.,

Defendants.

Civil Action No.: 1:22-cv-00964-JHC

**DECLARATION OF GABRIEL
WALTERS**

Pursuant to 28 U.S.C. § 1746, I, Gabriel Walters, declare the following:

1. I am a citizen of the United States. I am over 18 years of age and fully competent to make this declaration. I knowingly and voluntarily make this declaration in support of Plaintiff's Response in Opposition to Defendants' Motion for Summary Judgment. If called as a witness, I could and would testify competently under oath to the following facts based on my personal knowledge.

2. I am lead counsel for Plaintiff in this action. I am admitted to the Bar of the State of New York and the District of Columbia. I am admitted pro hac vice in this litigation.

3. The following documents, attached as exhibits to this Declaration, are authenticated as identified below:

- a. Ex. A is a true and correct copy of excerpts from the deposition transcript of Plaintiff Stuart Reges.
- b. Ex. B is a true and correct copy of Exhibit 5 to the deposition of Reges, Bates stamped Reges 001875–76.

- c. Ex. C is a true and correct copy of Exhibit 16 to the deposition of Reges, Bates stamped Reges 001647–49.
- d. Ex. D is a true and correct copy of excerpts from the deposition transcript of Defendant Magdalena Balazinska.
- e. Ex. E is a true and correct copy of Exhibit 9 to the deposition of Reges, Bates stamped Reges 001626–30.
- f. Ex. F is a true and correct copy of excerpts from the deposition transcript of Defendant Nancy Allbritton.
- g. Ex. G is a true and correct copy of excerpts from the deposition transcript of the University of Washington’s designee under Federal Rule of Civil Procedure 30(b)(6), Professor Eric Schnapper.
- h. Ex. H is a true and correct copy of an email thread that Defendant Daniel Grossman produced in discovery in this litigation, Bates stamped UW_Reges_0005827–28.
- i. Ex. I is a true and correct copy of an email thread that Defendant Ana Mari Cauce produced in discovery in this litigation, Bates stamped UW_Reges_0009291–92.
- j. Ex. J is a true and correct copy of an email thread that Defendant Balazinska produced in discovery in this litigation, Bates stamped UW_Reges_0001418–19.
- k. Ex. K is a true and correct copy of UW Executive Order 31 that I downloaded from the online UW Policy Directory.

4. The documents that were produced by Defendants in discovery in this litigation are deemed authenticated pursuant to *Orr v. Bank of Am.*, 285 F.3d 764, 777 n.20 (9th Cir. 2002) (citing *Maljack Prods., Inc. v. GoodTimes Home Video Corp.*, 81 F.3d 881, 889 n.12 (9th Cir. 1996), for the proposition that “documents produced by a party in discovery [are] authentic when offered by the party-opponent”); *accord Martinez v. England*, 221 F. App’x 575, 577 (9th Cir. 2007) (holding district court did not abuse its discretion in admitting evidence which the plaintiff “himself produced or relied on”); *Romero v. Nev. Dep’t of Corrs.*, 673 F. App’x 641, 647 (9th Cir. 2016) (Thomas, C.J., concurring in part and dissenting in part) (citations omitted) (“[A] longstanding rule of authentication is that documents may be authenticated by having been produced in discovery.”)

I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge.

Executed on January 22, 2024.

s/ Gabriel Walters
GABRIEL WALTERS

CERTIFICATE OF SERVICE

Plaintiff's counsel confirms that a true and correct copy of the foregoing was served via the Court's electronic filing system on this day, January 22, 2024. Notice of this filing will be sent by operation of the Court's electronic filing system.

DATED: January 22, 2024

Respectfully submitted,

s/Gabriel Walters

GABRIEL WALTERS*

DC Bar No. 1019272

JAMES DIAZ*

VT Bar No. 5014

FOUNDATION FOR INDIVIDUAL RIGHTS

AND EXPRESSION

510 Walnut Street, Suite 1710

Philadelphia, PA 19106

Tel: (215) 717-3473

gabe.walters@thefire.org

jay.diaz@thefire.org

CARL J. MARQUARDT

WA Bar No. 23257

LAW OFFICE OF CARL J. MARQUARDT

PLLC

1126 34th Avenue, Suite 311

Seattle, WA 98122

Tel: (206) 388-4498

carl@cjmlawoffice.com

**Admitted Pro Hac Vice*

Attorneys for Plaintiff